

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-1814

ROBERT J. RICCIO,

Plaintiff - Appellant,

versus

SALISBURY POLICE DEPARTMENT; THE CITY OF
SALISBURY; ALAN WEBSTER, Salisbury Police
Department,

Defendants - Appellees,

and

SANDY WILLEY, Administrative Commander
Salisbury Police Department,

Defendant.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. Catherine C. Blake, District Judge. (CA-
01-1888-CCB)

Submitted: June 25, 2004

Decided: July 13, 2004

Before WILKINSON, TRAXLER, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Michael Marshall, SCHLACHMAN, BELSKY & WEINER, P.A., Baltimore,
Maryland, for Appellant. John F. Breads, Jr., Columbia, Maryland,
for Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Robert J. Riccio appeals the district court's order granting summary judgment in favor of Defendants in Riccio's action alleging wrongful termination in violation of Title I of the Americans With Disabilities Act ("ADA"), 42 U.S.C. §§ 12101 - 12213 (2000). To establish a prima facie case of discriminatory firing under the ADA, a plaintiff must show that: (1) he has a disability; (2) he is otherwise qualified for the job in question; and (3) he was discharged because of his disability. Baird v. Rose, 192 F.3d 462, 467-70 (4th Cir. 1999). We agree with the district court that Riccio failed to establish that he was "otherwise qualified" for the position from which he was terminated. See 42 U.S.C. § 12111(8) (defining "qualified individual with a disability"); Myers v. Hose, 50 F.3d 278, 281-82 (4th Cir. 1995) (applying two-prong analysis for determining whether a person is "an otherwise qualified individual"). Accordingly, we affirm. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED